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ABSTRACT

A summary and analysis is provided of California Assembly Bill (AB) 1725, a reform bill that provides new direction and support for the state's community colleges. The analysis addresses each of the eight sections of the bill: (1) mission, highlighting reforms related to mission statements, transfer core curriculum, remedial limits, articulation of vocational programs, and a feasibility study of "interdisciplinary colleges"; (2) governance, including state and local board functions, the state Board of Governors' responsibility for legislative reviews, oversight of Board regulations, Board composition, and the academic senates; (3) finance, including information on the extension of the current funding mechanism, program-based funding, a transitional funding mechanism, and full-/part-time faculty ratios; (4) new programs and services, including staff development programs, an expanded Fund for Instructional Improvement, Career Resource and Placement Centers, and the dissemination of economic information to local districts; (5) affirmative action, including compliance and accountability regulations, a systemwide affirmative action plan, and the creation of a Faculty and Staff Diversity Fund; (6) employment policies, including a repeal of credentials, minimum faculty qualifications, local hiring criteria, administrator employment, employee evaluation, tenure reforms, collective bargaining, and a pilot option-rollover contract; (7) a new comprehensive educational and fiscal accountability system; and (8) operability and trigger mechanisms, AB 1725 appropriations, and the funding of AB 1725 reforms. An appendix charts responsibilities for AB 1725 implementation. (AYC)

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AB 1725:
A COMPREHENSIVE ANALYSIS

January 1989

Board of Governors
California Community Colleges

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AB 1725 Implementation Chart

AB 1725: A Comprehensive Analysis

A blueprint for the future, AB 1725 is landmark legislation that provides new direction and support for California's community colleges. The bill's reform measures fall into eight areas:

I. Mission
II. Governance
III. Finance
IV. New Programs and Services
V. Affirmative Action
VI. Employment Policies
VII. Accountability
VIII. Conditions and Appropriations

Each of these areas is summarized below, and analyzed in turn. References are to the appropriate Sections (§) of the *Education Code* (EC) or to Section (Sec.) numbers within AB 1725.

I. Mission

AB 1725 validates the comprehensive mission of the community colleges but clearly restricts the colleges from being all things to all people. New clarity and a structure of priorities are provided in the colleges' mission. Specific focus has been placed upon improving the transfer function and removing barriers to transfer. Articulated programs for vocational training by K-12 districts, community colleges, and the four-year institutions are initiated. Limits are placed on the amount of remedial coursework a student may take. Steps are taken to meet the emerging need for instruction in English as a Second Language (ESL). In short, the mission of the colleges is now focused, prioritized, and forward-looking.

A. Mission Statement (EC § 66701)

The mission of the community colleges is clarified and validated; and for the first time, priorities are established.

AB 1725 reaffirms the authority of districts to offer collegiate courses for transfer, vocational and technical courses, and community services programs and courses. Priorities within this mission are established as follows:

- Degree and certificate programs in lower division arts and sciences and in vocational and occupational fields is the "primary mission" of the colleges.

- Remedial instruction, English as a Second Language, and support services that help students succeed at the postsecondary level are "important and essential functions."

- Adult noncredit education curricula in areas defined as being in the state's interest are an "essential and important function" (see *Education Code*, § 84711 for a listing of state-funded noncredit courses.)

- Community services courses and programs are an "authorized function so long as their provision is compatible with an institution's ability to meet its obligations in its primary missions."

The terms "primary mission," "important and essential function," and "authorized function" are not defined in statute. District governing boards and the Board of Governors are therefore responsible for defining and interpreting these priorities. Basic responsibilities for implementing mission priorities fall to districts, with the role of the Board of Governors being to provide leadership and direction to the colleges.

Accountability regarding this new mission statement will be maintained, in part, through a new accountability system to be developed by the Board of Governors (see Part VII, *Infra*).

B. Transfer Core Curriculum (EC § 66720)

A general education, common core curriculum must be developed and maintained by the Board of Governors, the Board of Trustees of the California State University (CSU) and the Board of Regents of the University of California (UC). Completion of the common core curriculum by a community college student will satisfy lower division general education requirements at UC and CSU. The legislation does not specify a timeline for the development of the initial core curriculum, but work has been underway since 1986 and should be completed by early 1990.

Earlier versions of AB 1725 required completion of the core curriculum as a condition for award of the associate degree This requirement was deleted in the final version of the bill (EC § 78205).

C. Remedial Limit (Sec. 68, AB 1725)

The Board of Governors is required to adopt a specific regulation on or before January 1, 1990, prohibiting students from acquiring more than 30 semester units (or 45 quarter units) of "remedial coursework." This limit does not apply to students enrolled in English as a Second Language courses or those who are learning disabled. In addition, local governing boards can waive the limit for students who

show "significant, measurable progress toward the development of skills appropriate to his or her enrollment in college level courses." It should be noted that local boards need not apply this remedial limit until the necessary regulation has been adopted by the Board of Governors. Any remedial coursework taken by a student prior to the effective date of the regulation need not be counted against the student's limit.

D. Articulation Regarding Vocational Programs (Sec. 69, AB 1725)

The Board of Governors and the State Board of Education are required to assist school and community college districts in developing articulated programs that coordinate vocational education instruction over the final two years in high school and two years in community colleges (2+2 programs). The Board of Governors is also required to work with the Trustees of the California State University to expand these 2+2 programs to include the final two years of the baccalaureate degree (2+2+2 programs). Plans for implementating of both programs are to be completed by July 1, 1991.

Funding for various 2+2 projects has been provided through the state budget since 1987-88, while initial funding for the first 2+2+2 projects was provided by December 1, 1988. The Board's proposed 1989-90 budget for the community colleges contains additional requests for funding of 2+2 and 2+2+2 projects. The 1989-90 Governor's Budget proposes an additional $853,000, with some $753,000 earmarked for 2+2+2 programs.

E. English as a Second Language Study (Sec. 59, AB 1725)

The California Postsecondary Education Commission (CPEC) and the State Department of Education are to agree upon and conduct a coordinated research effort to review ESL programs offered through the California Community Colleges, UC, CSU, and adult education programs. The results of the review are to be reported to the Legislature by January 1, 1990. CPEC will cover the postsecondary segments by forecasting future educational needs for ESL programs, by assessing the ongoing role of the California Community Colleges in relation to UC and CSU in conducting ESL programs, and by making recommendations for effective cooperation among the segments.

This provision of AB 1725 (Sec. 59) is not operative until funds are specifically appropriated for the review, for which the bill makes no appropriation. The Governor's Budget for 1989-90 also does not contain an appropriation for this study.

F. Interdisciplinary Colleges Pilot Study (Sec. 60, AB 1725)

By January 1, 1990, the Chancellor is to have conducted a study on the feasibility of establishing, on a pilot basis, "interdisciplinary colleges" that integrate vocational and academic study. This study is to be done with the participation of one or more college districts. The requirement to conduct the study does not become operative, however, unless or until the study is funded. AB 1725 does not contain an appropriation for this purpose, and the 1989-90 Governor's Budget does not fund the study. Again, an adjustment of the January 1, 1990 deadline probably will be necessary.

II. Governance

AB 1725 embraces the notion of the community colleges operating as a system - comprised of the Board of Governors and local governing boards - that functions apart from, but responsive to, the Legislature. Embodied in this notion is an intent to strengthen governance both by and within the system. The Board of Governors and local governing boards are enabled to respond to state interests and concerns as a system - through the system's own internal governance mechanisms - rather than having to be so reliant on the Legislature.

AB 1725 also strengthens the role of faculty, particularly academic senates, in community college governance. Throughout the bill the Legislature has attempted to recast faculty roles toward those played by faculty in four-year postsecondary institutions. For instance, academic senates are provided with express roles in developing the core curriculum (EC § 66720), in developing a list of disciplines to implement minimum qualifications for faculty (EC § 87357), in developing and administering processes for waiver of minimum qualifications (EC § 87359), and in establishing hiring criteria for new faculty (EC § 87360). Elsewhere in the bill there is broad language that emphasizes and ensures the rights of faculty and academic senates to participate in systemwide and institutional governance (EC §§ 70901(b)(1)(E), 70902(b)(7)).

Apart from strengthening faculty roles, several parts of AB 1725 create and strengthen the community colleges as a system. The basic roles of the Board of Governors and district governing boards are specified; the entire *Education Code* as it relates to community colleges is to be made consistent with this delineation of functions; the system is provided with authority to develop its own regulations through a new set of internal checks and balances; the composition of the Board is changed to add more field expertise; and the Board of Governors is further enabled to select its staff without sole reliance on the provisions of State Civil Service.

A. Delineation of Function (EC §§ 70900-70902)

The California Community Colleges are expressly designated as a postsecondary system of education, and the respective roles of the Board of Governors and locally elected district governing boards are delineated. This delineation was originally proposed by the Board of Governors, which worked closely with district representatives and the Californians for Community Colleges in developing the recommendations. The Legislature incorporated these recommendations, almost verbatim, into AB 1725. The statutes provide for broad delegations of authority to the Board of Governors and local boards, thereby enabling these bodies to govern more of their own affairs outside of the legislative arena.

The primary role of the Board of Governors is to provide leadership and direction in the continuing development of the California Community Colleges, with the Board's work at all times to be directed to maintaining as much local authority and control as possible. The Board is provided with numerous broad powers of oversight and general supervision (see *Education Code*, § 70901(b)(1-15)), but these powers are to be applied only in light of the Board's primary role of providing leadership and direction. In performing its functions, the Board is directed to establish and use a consultation process, and is provided with broad power to delegate authority to the Chancellor, districts, and others.

The primary role of district governing boards is to establish, maintain, operate, and govern local colleges in accordance with law. In furtherance of this role, governing boards are charged with carrying out various broad functions (see *Education Code*, § 70902(b)(1-14)). With the exception of the new requirement to participate in the Board's consultation process, all these functions are drawn from various existing statutes that fix the broad functions of district governing boards.

B. Education Code Review (Sec. 57, AB 1725)

No later than January 31, 1989, the Board of Governors is required to review all statutes affecting the administration and operation of the California Community Colleges and to recommend the amendment or repeal of those provisions affected by AB 1725. This work, most of which has already been done through Board initiative, is necessary to implement the delineation of governance functions. The broad delegation of authority to the system will be an empty gesture as long as it resides alongside thousands of statutes that prescriptively and narrowly delegate authority.

Legislation developed through the Education Code Review will be sponsored by the Board of Governors during 1989 and 1990.

C. Regulations of the Board of Governors (EC § 70901.5)

Commencing on January 1, 1990, regulations of the Board of Governors, instead of being subject to the review and approval of the state's Office of Administrative Law, must be responsive to concerns raised by the colleges. The Board of Governors is required to establish various procedures for the adoption of regulations. The new law effectively requires the Board to establish procedures that incorporate all key aspects of the state's Administrative Procedures Act (*Government Code*, §§ 11340 *et seq.*), except for the review and approval functions of the Office of Administrative Law. District governing boards and "any other interested party" may comment upon, critique, or challenge Board regulations. In addition, a Board regulation will become effective only if at least two-thirds of all district governing boards vote to disapprove the regulation. The law goes on to specify additional procedures the Board must follow if it wishes to pursue the adoption of such a regulation.

Board procedures to implement the requirements of *Education Code*, § 70901.5 will be developed and adopted as regulations during 1989.

D. Exempt Positions (EC § 71090.5)

Up to six deputy or vice-chancellor positions exempt from State Civil Service are authorized for the Chancellor's Office. To comply with requirements of the State Constitution, these appointments will be made by the Governor, upon recommendation of the Board of Governors. This change will enable the agency to better draw from expertise within the colleges and the private sector.

E. Composition of the Board of Governors (EC § 71000)

Also drawing upon expertise within the colleges, the composition of the Board of Governors is modified to require the Governor to appoint two current or former local district trustees and a second tenured faculty member. Thirteen members (including the two trustees) will have six-year terms; the two faculty members will have two-year terms; and the one student member will have a one-year term. The two trustees would first be appointed on January 15, 1990, and January 15, 1992, respectively. The language is unclear as to when the second faculty member would first be appointed. The first six-year terms would not commence until after January 1, 1990. Additional legislation will be required to convert from a structure of four-year staggered terms to a structure of six-year staggered terms, and to clarify when the second faculty member will first be appointed.

Common law doctrines regarding incompatibility of offices would require current district trustees to resign their local offices in order to accept appointment to the Board. The common law, however, may be overridden by a subsequently enacted statute that provides that local trustees need not resign, or otherwise indicates that

common law is overridden. AB 1725 is unclear in this regard and may require clarification by the Attorney General or additional legislation.

F. Academic Senate and Student Roles (Sec. 61, AB 1725)

By January 1, 1990, the Board of Governors is required to develop policies and guidelines for strengthening the role of local academic senates regarding the determination and administration of academic and professional standards, course approval and curricula, and other academic matters. The Board is also required to develop a plan for encouraging greater student participation in campus, district, and systemwide governance. These two projects augment Board responsibilities to ensure roles for faculty, staff, students, and academic senate in governance, as provided in *Education Code*, § 70901(b)(1)(E).

III. Finance

AB 1725 shifts major authority for developing and administering the community college finance mechanism from the Legislature to the system. The details of community college finance will no longer be contained in statute, but rather in regulations of the Board of Governors. In addition, the use of average daily attendance (ADA) as the single workload measure for funding community colleges will be replaced by a more sophisticated and cost-based set of workload measures known as "program-based funding."

The development of this new finance mechanism will take time. To begin implementing reform, however, revenues in addition to those that will be allocated by the current statutory formula are needed. The Legislature has responded by extending the expiration date of the current finance mechanism, by creating a transitional mechanism intended to provide at least $140 million in additional revenues to districts, and by calling for the implementation of program-based funding in Fiscal Year 1991-92.

A. Extension of SB 851 (EC § 84713)

The current finance mechanism for community colleges, established in 1983 by SB 851, would have expired on July 1, 1989, (EC § 84713). AB 1725 extends this expiration date until July 1, 1991, thus providing time for development of the program-based funding mechanism.

Some officials believe that additional refinements of the SB 851 mechanism will be necessary during the next few years. Of particular interest are changes that will accommodate implementation of program-based funding in 1991-92. Changes to SB 851, however, will result in revenue dislocations for districts during 1989-90 and

1990-91. Any potential changes to be enacted during 1989 should be considered through the consultation process by spring of 1989.

B. Program-Based Funding (EC § 84750)

By March 1, 1990, the Board of Governors is required to adopt "criteria and standards" for purposes of making the annual budget request for the California Community Colleges, and for the purpose of allocating the state general apportionment (EC § 84750). These criteria and standards will constitute the basic mechanism for program-based funding, which will first be implemented in Fiscal Year 1991-92.

While the details of the community college finance mechanism will thus cease to be in statute, AB 1725 is rather explicit about what the Board is to include in its criteria and standards.

1. Districts are to be funded on the basis of adjustments to their prior-year levels of funding. Adjustments will be made for workload changes, program improvement, inflation, and other purposes authorized by law.

2. For *credit* instruction (noncredit instruction is treated separately), there are to be five workload categories and workload measures:

Category	Measure
Instruction	Credit Full-Time Equivalent Students (Credit FTES)
Instructional Services and Libraries	Credit FTES
Student Services	Credit students enrolled (headcount)
Maintenance and Operations	Square feet of owned and leased facilities
Institutional Support	Fixed percentage of other categories

The statute also specifies how increases and decreases in workload are to handled. The Board regulations will flesh out the details of these provisions and fix dollar amounts for each unit of workload within the respective workload measures.

3. The Board is also required to establish funding standards for the five categories and to request program improvement monies annually to assist districts in meeting these standards. As an example, under the category of instruction, the Board could develop standards for student/teacher ratios (such as 25 to 1) or the percentage of hours to be taught by full-time instructors (such as 75 percent of

all hours of credit instruction). Through the annual budget, the Board will seek additional funding (program improvement money) to help districts meet these standards.

4. The inflation adjustment to be developed by the Board is fixed by statute, and is the same adjustment currently contained in SB 851 (Implicit Price Deflator for State and Local Goods and Services for the United States).

5. An adjustment for economies of scale (large and small districts and colleges) is to be provided.

6. At a *minimum*, workload increases in FTES and headcount will be at the rate of change in the general adult population. The Board of Governors is to seek additional growth revenues (to address other growth factors) through the annual budget process, and to determine each district's growth entitlement.

7. A hold-harmless clause is provided for 1991-92 funding, guaranteeing that all districts will receive at least the apportionment they would have been entitled to under SB 851.

8. Unless specifically authorized by statute, the Board shall not require expenditure of revenues in the categories of operation for which they are generated. District governing boards are to determine the expenditure of such revenues.

C. Transitional Funding Mechanism for Program Improvement (EC § 84755)

While program-based funding, once implemented, will more adequately fund the costs of providing quality programs and services, this funding will not commence until at least 1991-92. The colleges, however, are already struggling with a substantial loss of purchasing power, and have an immediate need for additional resources to begin implementing AB 1725.

In response, the Legislature has provided a transitional funding mechanism for program improvement and new mandates that will operate until program-based funding is implemented. This transitional mechanism will allocate revenues to districts on a dollars-per-ADA basis (adjusted for equalization) and authorize districts to use these revenues for any of 19 required or authorized purposes (EC § 84755(b)). AB 1725 does not contain an initial appropriation for purposes of program improvement. However, the Board's 1989-90 proposed budget for community colleges contains an $80 million request. The Governor's Budget for 1989-90 contains no proposed appropriation for program improvement.

As to the uses of program improvement money, the intent is to provide new revenues to cover new mandates, to earmark certain portions for use in improving the percentage of instruction taught by full time faculty, and to otherwise leave districts with as much discretion as possible in determining the use of these funds. The provisions of *Education Code*, §§ 84755 and 87482.6 accomplish these purposes, with § 84755 specifying 19 required or authorized uses of program improvement money.

1. Developing articulated programs school districts and campuses of the University of California and California State University, as provided for in Section 70 [sic] of AB 1725;

2. Applying minimum qualifications to all newly hired faculty and administrators, including candidates for these positions, as required by *Education Code* Section 87356;

3. Developing and administering a process for waiver of minimum qualifications for faculty, as required by *Education Code* Section 87359;

4. Establishing and applying local hiring criteria, as required by *Education Code* Section 87360;

5. Establishing and applying faculty service areas and competency criteria, as required by *Education Code* Sections 87743 to 87743.5, inclusive;

6. Evaluating temporary employees, instituting peer review evaluation, and widely distributing evaluation procedures, as required by *Education Code* Section 87663;

7. Establishing and applying new processes for tenure evaluation, as required by *Education Code* Section 87610.1;

8. Establishing and applying the tenure denial grievance procedure, as required by *Education Code* Section 87610.1;

9. Establishing and applying a process for moving administrators into faculty positions, as required by *Education Code* Sections 87454 to 87458, inclusive;

10. Publishing and distributing a report on the affirmative action success rate, as required by *Education Code* Section 87102;

11. Improving instruction by reducing the ratio of full-time equivalent students to full-time equivalent instructors;

12. Improving instruction by increasing the hiring of full-time instructors and limiting the practice of hiring part-time instructors;

13. Augmenting budgets for college libraries and learning resources;

14. Augmenting budgets for plant maintenance and operations;

15. Adding new courses or programs to serve community need;

16. Making progress towards affirmative action goals and timetables established by the district;

17. Developing and maintaining programs and services authorized by *Education Code* Section 78212.5;

18. Augmenting budgets for student services in the areas of greatest need; and

19. Providing release time as deemed appropriate by community college district governing boards, to enable faculty and staff participation in implementing reforms.

Items 2 through 9 in the above list relate to mandated employment reforms that will not become operative until July 1, 1990, or until $70 million of program improvement money is provided, *whichever occurs later* (see Sec. 70(d), AB 1725).

Once the various employment reforms become operative, however, the law provides that program improvement money be available to cover the costs of the new mandates noted in items 2-9. While a district need not use program improvement money for these purposes (existing staff and resources can be reassigned or reallocated), it will receive no other new revenues for these mandates (whether it be through a claim filed with the Commission on State Mandates or otherwise) unless it can demonstrate that its total allocation of program improvement money, minus the amount set aside for improving its full-time/part-time ratio, is less than the reasonable cost of complying with the mandates.

Item 10 on the list - to cover the cost of publishing and distributing required reports on affirmative action success rates - relates to a mandate that becomes effective on January 1, 1989. However, the costs of this mandate are also reimbursed with allocations from the new Faculty and Staff Diversity Fund (EC § 87107(c)). Accordingly, this item constitutes a more-or-less discretionary use of program improvement money.

Items 11 and 13 through 19 relate to discretionary uses of program improvement money. Most address areas that eventually will be targeted for additional resources by means of funding standards in the new program-based funding formula. By directing program improvement money to these areas, it is anticipated that districts will be further along in meeting whatever standards are developed in connection with program-based funding. Item 12, relating to part-time/full-time ratios, is more completely addressed in new *Education Code*, Section 87482.6.

Program improvement money can be used only within the 19 areas. Districts will be required to develop and submit plans to the Board of Governors for using such resources. To the extent that a district expends its allocation as provided by law, the allocation will be incorporated into its base budget.

This transitional program improvement mechanism will be operative for at least the 1989-90 and 1990-91 fiscal years. Program-based funding will not become operative until Fiscal Year 1991-92 or until district based budgets have been increased by $140 million in program improvement monies, *whichever is later* (Sec. 70(e), AB 1725). The transitional program improvement mechanism will thus continue to operate in 1991-92 and beyond if the $140 million threshold for triggering the implementation of program-based funding has not been reached.

Finally, it should be noted that a number of concerns have been raised that the "50% Law" (EC § 84362) will operate to remove the flexibility and discretion that was intended regarding the use of program improvement money. Because the 50 percent Law requires districts to expend 50% of their budgets on the salaries of classroom instructors, there are concerns that it will prevent districts from being able to use program improvement money for such items as student services, plant maintenance and operation, and making progress towards affirmative action goals and timetables. These concerns will be discussed in the consultation process and may lead to revisions in the program improvement mechanism.

D. Part-Time/Full-Time Ratios (EC § 87482.6)

The most specific and prescriptive use of program improvement money is dedicated to increasing the use of full-time faculty. Currently, 67 percent of the hours of *credit* instruction (excluding overload) in the system is taught by full-time instructors. While program-based funding will most probably have standards relating to part-time/full-time ratios, AB 1725 attempts to increase the systemwide average to 75 percent during the next few years.

The provisions work as follows: If a district has more than 75 percent of its hours of credit instruction taught by full-time instructors, the law does not require the district to use any portion of its program improvement money to improve its percentage. If a district is between 67 and 75 percent, it must apply up to 33 percent of its program improvement money, as necessary, to reach the 75 percent standard. If a district is below 67 percent, it must apply up to 40 percent of its program improvement money, as necessary, to reach the 75 percent standard.

Some examples of how these provisions work are helpful. Assume a district is at 74 percent, and that it will take $100,000 to hire the number of full-time faculty to reach 75 percent. Assume further that the district receives $1,000,000 in program

improvement money. The district need not apply $330,000 (33%) towards improving its ratio; instead, it need only apply $100,000.

As a second example, assume a district is at 62 percent and that it will take $700,000 to hire the number of full-time faculty to reach 75 percent. Assume further that the district receives $1,000,000 in program improvement money. The district must apply $400,000 (40%) towards improving its ratio.

Important elements of this new law will be controlled by regulations of the Board of Governors. Initially the Board is directed to adopt regulations that exclude overload instruction from the computations, define what constitutes a "full-time instructor," and compute the number of full-time faculty each district must add. These regulations may be changed without resorting to legislation, however.

The following technical points regarding the full-time/part-time ratios should be kept in mind:

1. Fall term data (as opposed to complete fiscal year data) will be used for purposes of administering the law. For instance, the number of full-time faculty to be secured with 1989-90 program improvement money will be based upon Fall 1988 data.

2. The ratio will be computed on the basis of hours of credit instruction taught by full and part-time instructors; that is, student contact hours or units of credit will not be used as the basis for computation.

3. Districts will not immediately lose revenues they fail to expend for additional full-time instructors during any given fiscal year. Instead, districts will have until September 30, 1991, to make their designated number of hires. This will effectively provide districts with three major recruiting periods (spring 1989, spring 1990, spring 1991) to secure their total number of hires. To the extent a district does not hire the designated number of faculty, its base funding for 1991-92 and subsequent years will be adjusted downward.

Finally, it should be noted that numerous concerns have been raised that the 75 percent standard operates unfairly against some districts. A district with a relatively large geographical area and relatively small population must establish small off-campus centers in order to provide access to its programs. In order to provide a wide range of courses at these small off-campus centers, the district must use either part-time instructors or full-time instructors that teach in several disciplines. Also, districts with large vocational or contract instruction programs (particularly those with academies for administration of justice or fire science, or apprenticeship) have a greater need to employ part-time instructors who are employed and expert in the field in which they are teaching. Finally, when a district provides sabbaticals or released time to full-time instructors, the hours taught by part-timers which temporarily replace these full-time employees should not count

against the district. These concerns will be discussed in the consultation process and may lead to technical revisions in the either the statute or regulations of the Board of Governors.

IV. New Programs and Services

In addition to providing for a major infusion of resources for various areas of program improvement, AB 1725 also creates or expands several specific programs and services. Among the major new programs and services not otherwise discussed in this analysis are new programs for staff development, an expansion of the Community College Fund for Instructional Improvement, authorizing language to upgrade and establish career resource and placement centers, and the establishment of new service function in the Chancellor's Office to provide districts with information on economic trends and employment projections.

A. Staff Development (EC §§ 87150-87154)

Community colleges, through AB 1725, have become the first educational segment to receive specific funding for staff development. The provisions in the bill are based generally on a CPEC study and recommendations regarding staff development needs in postsecondary education. The intent is to provide formula-based funding (as opposed to funding on a project-by-project basis) to support *locally developed and implemented* staff development programs.

The CPEC recommendations would have provided funding on the basis of a percentage of state funding received by districts, and would have required local matching. AB 1725, instead, calls for an initial allocation of 1/2 of 1 percent of a district's "fiscal year revenues," as defined in SB 851, and up to 2 percent of such revenues thereafter, as determined through the state's budget process. This initial allocation, however, has been overridden by Section 72(a) of AB 1725, which provides $5 million for 1988-89, to be distributed to districts on the basis of a dollar amount per ADA (about $7.00 per unit of 1987-88 funded ADA). Therefore, there is no matching requirement; the initial year's funding (1988-89) of $5 million is provided; and funding for subsequent years will be up to 2 percent of district's fiscal year revenues, as requested by the Board of Governors and funded in the state budget.

In order to receive these formula-based allocations for staff development, districts must complete several steps:

1. Each campus within the district must have an advisory committee composed of administrators, faculty, and staff representatives to assist in needs assessment and the development of plans;

2. Each campus must have a human resources development plan for the current and subsequent fiscal year; and

3. Districts must report actual expenditures for the preceding year.

Evidence that these steps have been taken must be provided to the Chancellor's Office by way of affidavit. A model form for this affidavit has been developed and was distributed to districts in mid-December of 1988.

As to the uses of staff development money, the statute authorizes allocations to be used for:

1. Improvement of teaching.

2. Maintenance of current academic and technical knowledge and skills.

3. In-service training for vocational education and employment preparation programs.

4. Retraining to meet changing institutional needs.

5. Intersegmental exchange programs.

6. Development of innovations in instructional and administrative techniques and program effectiveness.

7. Computer and technological proficiency programs.

8. Courses and training implementing affirmative action and upward mobility programs.

9. Other activities determined to be related to educational and professional development pursuant to criteria established by the Board of Governors.

A number of questions have been raised regarding the interpretation and implementation of these new staff development provisions. They are recounted in this analysis to assist the immediate implementation of the new law. Some of these interpretations may require refinement and revision through the regulatory process. The interpretations will stand, however, until any necessary regulations are finalized.

Question:

Can staff development allocations be used to reimburse district expenditures for staff development that occurred before January 1, 1989 (the effective date of the new law)?

Answer:

While the new law did not become effective until January 1, 1989, the $5 million appropriation for staff development is for expenditure in the 1988-89 fiscal year (Sec. 72, AB 1725). Accordingly, if a district has the appropriate advisory committee(s) and plan(s) in place, expenditures for staff development incurred between July 1, 1988, and January 1, 1989, may be reimbursed with staff development allocations received after January 1, 1989.

Question:

Is faculty and staff development money just for faculty, or may it be used for administrators, classified employees, or trustees?

Answer:

Faculty and staff development money is to be used for faculty, administrators, and classified employees, but not for trustees. Administrators and classified employees are legally "staff" of a district, but trustees are not.

Question:

Who must and who may be a part of advisory committees for staff development?

Answer:

The statute specifically designates that faculty, administrators, and staff must be represented on advisory committees. The word "staff" can only have meaning if it refers to classified employees. As to other persons or groups who may participate on advisory committees, the statute is not limiting. Accordingly, districts could also add students, trustees, members of the public, or other persons of their choice to such advisory committees.

Question:

Does the law require a district to maintain 100% of its current level of expenditure for staff development as a condition for receipt of these new staff development funds?

Answer:

While the law does not require a district to maintain 100% of its pre-existing levels of expenditure for staff development, the intent of the provisions is that a district is to use the new revenues to *increase* its commitment of resources to staff development. As long as this overall commitment of resources is increased, it is a matter within the sound discretion of district governing boards whether the new staff development resources are totally "on top" of current expenditures for staff

development, or whether the new resources partially supplant existing expenditures. In monitoring these provisions, the Board of Governors can be expected to insure that districts substantially increase their commitments of resources for staff development.

Question:

Given the requirement that each "campus" must have an advisory committee and plan, does the word "campus" mean "college," or may it also be construed to include educational centers or other off-site locations?

Answer:

District governing boards have discretion to designate educational centers or other off-site locations as "campuses," but are not required to do so. They are required to include each college within the district as a campus, however.

Question:

Can a portion of a district's staff development allocation be used for purposes of administering the requirements of the law, such as the cost's of advisory committees, the costs of developing plans, and the costs of reporting to the Board of Governors?

Answer:

Administrative costs are not an expressly authorized use for staff development revenues. The Board of Governors, pursuant to *Education Code* § 87153(i), could adopt a regulation that recognizes these costs as related to educational and professional development.

Question:

Must staff development monies be returned to the state if they are not used during the fiscal year for which they are allocated?

Answer:

The law does not require the return of staff development monies not used during the fiscal year for which they are allocated. The intent of the law, however, is that a district should plan for and attempt to expend the entire allocation during the fiscal year for which it is allocated.

Question:

Does staff development money, once allocated, become part of a district's base budget?

Answer:

Staff development money is not incorporated into a district's base budget.

B. Expanded Fund for Instructional Improvement (EC § 84381)

AB 1725 expands the existing list of programs and services eligible for funding on a project-by-project basis through the Community College Fund for Instructional Improvement (FII). The bill also provides an additional $200,000 in FII funds, to be allocated during Fiscal Year 1988-89.

The new programs and services eligible for funding are to promote the intellectual development of faculty and staff, including:

1. Intersegmental summer programs, including research projects and seminars.

2. Programs bringing visiting scholars to districts.

3. Interdisciplinary programs involving local noncollegiate institutions in the arts and sciences.

4. Intersegmental research and public information projects on the environment, social history, and culture.

5. Summer "bridge" programs for student transition to college life.

In June of 1988, the Board approved FII grants and loans for 1988-89 for $536,000 and $88,512, respectively. The approvals were given with the understanding that should there be an augmentation to the Fund for 1988-89, additional projects would be funded. (For 1988-89, 110 proposals requesting over $3.25 million were submitted to the Board.)

The request for proposals (RFP) for 1989-90 FII projects will be released early in 1989. The Governor's Budget for 1989-90 provides $920,000 for the FII ($736,000 for grants and $184,000 for loans), but the actual appropriation won't be known until after legislative hearings in June. Decisions regarding funding for projects will be made by early summer of 1989.

C. Career Resource and Placement Centers (EC § 78212.5)

Until late in its legislative development, AB 1725 would have *required* each district to develop and maintain career resource and placement centers, to provide inservice training on matriculation, to orient students regarding academic requirements and available support services, and to provide various publicity programs. In its final

form the bill was amended to *authorize* districts to conduct these activities rather than require them to do so. In addition, districts were permitted to use program improvement money (EC § 84755(b)(17)) for the purposes of accomplishing these newly authorized activities.

D. Vocational Education Information to Districts (Sec. 63, AB 1725)

On or before January 1, 1990, the Board of Governors must provide districts with ongoing vocational education information in the form of summaries and analyses of current economic trends and employment projections. This requirement does not become operative until funding is provided to enable the Board to provide this new service. No appropriation for this service was provided in AB 1725. The Board requested the necessary funding in its 1989-90 budget request, but the Governor's Budget for 1989-90 does not contain funding for this request.

V. Affirmative Action

In the intent language accompanying AB 1725, the Legislature recognizes that California is undergoing a major demographic, social, and economic transformation; that community colleges are at the center of this change; and that "the state's future as a healthy and free, diverse and creative society depends in major part upon the commitments expressed through and in the community colleges."

The Legislature goes on to recognize the massive number of retirements that will occur in the community colleges during the next 15 years. Also recognized is the "window of opportunity" that will exist to make the faculty and staff of the colleges more representative of the state's diversity.

Concerns about affirmative action and staff diversity are thus woven into the very fabric of AB 1725. Particular attention is paid to increasing the pool of qualified minorities and underrepresented group members from which community colleges will draw new employees. Numerical and percentage goals for the system as a whole are stated, an unprecedented step. The role of the Board of Governors in providing leadership and service, as well as its role in monitoring and effecting compliance, are clarified and strengthened. In short, a comprehensive legislative framework has been provided to both enable and ensure that district governing boards and the Board of Governors make staff diversity a reality.

A. Compliance and Accountability (EC § 87102)

Existing law is amended to require districts to periodically certify compliance with affirmative action statutes, and also to require that they update their affirmative action plans, particularly to include steps to meet hiring goals in the replacement of

part-time faculty with full-time faculty. Districts must update their plans in order to receive program improvement monies for use in improving their full-time/part-time faculty ratios. Since program improvement monies are anticipated beginning July 1, 1989, all affirmative action plans should be updated by then.

Existing law is also amended to require districts to publish and distribute reports on their affirmative action success rates. The reports are to include data and information specified by the Board of Governors. It is anticipated that data and information reporting requirements will be specified early in 1989, with districts first reporting success rates in the fall of 1989.

B. Technical Assistance Team (EC § 87104(a)(4))

Existing law is amended to require the Board of Governors to establish a technical assistance team to review the affirmative action plan of each district failing to make measurable progress in meeting its goals and timetables. This team will make recommendations to the Board, which in turn will prescribe to the district conditions necessary to assure reasonable progress. These conditions may include the withholding of program improvement monies for full-time/part-time faculty ratios and withholding allocations from the Faculty and Staff Diversity Fund.

The Chancellor's Office will create the technical assistance team early in 1989.

C. Major Service Function to Assist Districts in Recruiting (EC § 87104(b))

By July 1, 1989, the Board of Governors is to establish "a major service function to assist districts in identifying, locating, and recruiting qualified members of underrepresented groups . . . ." AB 1725 provides initial-year funding of $300,000 for this function. It is anticipated that this function will provide national recruitment efforts on behalf of the system as well as a computer-based affirmative action registry.

D. Systemwide Plan for Strengthening Affirmative Action (EC § 87104(c))

By March 15, 1989, the Board of Governors is to develop and adopt a systemwide plan for strengthening affirmative action policies and programs in the community colleges. A draft of this plan, entitled *Toward A New Diversity*, was entered into the consultation process in mid October 1988. A revised draft was broadly circulated in January. Adoption of a final plan is scheduled for the Board's March 1989 meeting. The plan contains a specific listing of tasks, timelines, and responsible parties.

E. Faculty and Staff Diversity Fund (EC § 87107)

AB 1725 creates the Faculty and Staff Diversity Fund, administered by the Board of Governors, to pursue two goals (as opposed to quotas or mandates) for the *system*: (1) by 2005, the cumulative workforce of the colleges should proportionately reflect the adult population of the state; and, (2) by 1992-93, 30 percent of all new hires in the system should be ethnic minorities. It is not necessary that each district reach these goals; rather, it is the cumulative numbers or percentages for *all* of the colleges that will be relevant. Further, consistent with the governance delineation, the Board is given authority to adjust these goals for the system after September 30, 1994.

AB 1725 appropriated $1 million to the Fund for 1988-89, and The Governor's Budget for 1989-90 proposes $1,445,000 for the Fund. The Board is required to use up to 25 percent of the Fund to reimburse state-mandated costs associated with district reporting of affirmative action success rates, to reimburse districts for the costs of preparing and updating affirmative action plans, and to carry out specified Board functions. The remainder of the Fund is to be allocated to districts for extended outreach and recruitment, for incentives to hire, for inservice training, and for other purposes of staff diversity. The Board is to adopt regulations regarding allocations for these purposes, and it is anticipated that such regulations will be in place by summer or fall of 1989.

A few additional points regarding the Faculty and Staff Diversity Fund should be kept in mind. First, for purposes of measuring progress on the extent to which the colleges' workforce reflects the makeup of the state's adult population, the Board is to develop and apply availability data. This availability data will take into account the percentages of underrepresented group members who have the requisite education and experience to work in the various community college occupations. Also, in terms of the goal that 30 percent of all new hires be ethnic minorities, the intent is to ensure that 30 percent of all new faculty and administrative hires be ethnic minorities. Finally, it should be remembered that these are goals for the system. Districts will continue to set their own goals and, cumulatively, contribute to achieve the systemwide goals established in AB 1725.

As to the uses of Faculty and Staff Diversity funds, a question has been raised whether all allocations must be used only to make progress regarding ethnic minorities. The language of *Education Code* § 87107(d) clearly indicates that the resources may be used for "underrepresented groups" (which include not only ethnic minorities, but also such groups as women, the disabled and Vietnam veterans).

F. Other Affirmative Action Provisions (EC §§ 71020, 87153(h), 84755(b)(16), 87360, and Sec. 64, AB 1725)

Other parts of AB 1725 that address affirmative action issues and concerns include the following:

- The Board of Governors is required to prepare an affirmative action paper concerning its own membership and assessing its role in statewide representation of minorities, women, and the disabled. This paper is to be prepared by July 1, 1989, and every three years thereafter.

- Districts are authorized to use staff development funds for courses and training to implement affirmative action programs.

- Districts are authorized to use program improvement money for publishing and distributing reports on affirmative action success rates, as well as for making progress towards their own affirmative action goals and timetables.

- In establishing hiring criteria for faculty and administrators, districts must develop criteria that include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.

- On or before July 1, 1990, the Board of Governors and the State Board of Education are to have determined the extent to which students are underrepresented, in vocational education programs on the basis of ethnic origin and gender.

VI. Employment Policies

AB 1725 brings to an end an era of K-12 employment policies that governed the hiring practices of community colleges. Credentialing, with its standards for employment dictated by the Legislature, is replaced by a structure that vests both the Board of Governors and faculty with authority to establish and apply policy. Consistent with other postsecondary segments, the systemwide governing board establishes minimum qualifications for employment, which are then applied by the local colleges. Both academic senates and exclusive representatives for collective bargaining will have roles in developing and administering this new structure. In addition, the probationary period for tenure is lengthened so as to be more consistent with those used in other postsecondary segments. While most of these reforms will not become operative until July 1, 1990, or later, there is extensive preparatory work that must be done. Orderly implementation within a two-year period will be a challenge, especially at the district level.

A. Repeal of Credentials (Sec. 27, AB 1725)

About 65 statutes on credentials (Chapter 2, Part 51, *Education Code*) will become inoperative when at least $70 million in program improvement money is provided (Sec. 70(d), AB 1725). This could happen as early as July 1, 1989. Most authorities in AB 1725 agree that it was intended that credentials were to sunset on June 30,

1990, so long as at least $70 million in program improvement money had been provided. Technical legislation should include moving the repeal date to July 1, 1990, or until the receipt of $70 million in program improvement funds, *whichever is later.*

B. Minimum Qualifications Established by the Board of Governors (EC §§ 87101, 87356-87359, 87743-87743.5)

In lieu of credentials, the Legislature directs the Board of Governors to adopt regulations establishing definitions and minimum qualifications for employment as a community college faculty member or administrator. The Legislature has dictated the initial regulations establishing definitions, and the minimum qualifications for employment as a faculty member teaching *credit* courses, and as an instructional or student services administrator. The qualifications, which can be changed by the Board of Governors, are as follows:

Minimum qualifications for teaching *credit* courses are:

- a master's degree in the discipline of the teaching assignment; *or*
- a master's degree in a discipline "reasonably related" to the teaching assignment, and a bachelor's degree in the discipline of the assignment; *or*
- if a master's degree is not generally expected or available in the discipline, the instructor must have a bachelor's degree in a discipline "reasonably related" to the teaching assignment and two years of professional experience, plus appropriate certification to practice or licensure; or an associate degree in a discipline "reasonably related" to the teaching assignment and six years of professional experience, plus appropriate certification to practice or licensure.

For instructional or student services administrators; the minimum qualifications are:

- a master's degree, and
- one year of formal training or experience "reasonably related" to the administrative assignment (may be concurrent).

Regulations establishing minimum qualifications for *noncredit* instructors will be developed by the Board of Governors by the spring of 1990.

In implementing the new minimum qualifications, the Board is to define the term "discipline," prepare a list of disciplines "reasonably related" to one another, and prepare a list of disciplines in which the master's degree is not generally expected or available. The Board is to have these tasks done by July 1, 1989, and is to rely

primarily upon the advice and judgment of the statewide Academic Senate. Technically, there is a problem with this deadline because the statute that imposes it will not become operative until at least July 1, 1989, assuming $70 million of program improvement funds is provided by that time.

The new law also requires the Board to adopt regulations to allow for locally administered processes that can provide waivers regarding minimum qualifications (EC § 87359). A new joint-governance role is provided for the local academic senate, as the law provides,

> The process, as well as the criteria and standards by which the governing board reaches its determinations, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board.

The Board will adopt regulations for waiver processes by mid 1989.

Finally, AB 1725 also requires local implementation of "faculty service areas" by July 1, 1990 (EC §§ 87743.1-87743.5). A faculty service area (FSA) is essentially a grouping of disciplines into a service or instructional subject area. FSAs are declared to be within the scope of collective bargaining. Also within the scope of collective bargaining are competency criteria to serve in a faculty service area. A faculty member must qualify for one or more FSAs at the time of initial employment, and additional FSAs may be added pursuant to a process.

The bill does not specify whether or how existing credential holders will have their subject matter areas converted to FSAs. In the event of a layoff, competency under the credentials structure and competency under the FSA structure could both come into play. Additional legal interpretations and/or clarifying legislation will probably be necessary.

Finally, it should be noted that any state-mandated costs that districts incur under these new provisions on minimum qualifications are to be reimbursed with program improvement money (EC § 84755).

C. Local Hiring Criteria (EC § 87360)

Under existing law, districts establish hiring criteria. AB 1725 would additionally require districts to develop criteria that include a sensitivity to the diverse backgrounds of community college students. Also, as to new faculty members, the local academic senate is again provided with a joint-governance role. These new criteria are to be ready by July 1, 1990, or when $70 million of program improvement money is provided, *whichever is later*. Again, program improvement money is available to cover any state-mandated costs arising from these provisions.

D. Employment of Administrators (EC §§ 72411.5, 87454-87458)

Commencing January 1, 1989, every instructional or student services administrator (see EC § 87001 for definitions) *must* be employed by a contract not to exceed four years. All other administrators *may* be employed by a contract not to exceed four years. All contracts may be extended for up to four additional years at the discretion of the governing board.

The application of these new requirements to administrators and managers in the classified service is not clear. Further legal interpretation and/or clarifying regulations will be required. Also, due to a drafting error, these new provisions became operative on January 1, 1989, instead of July 1, 1990, or when $70 million of program improvement money is provided, whichever is later. Technical legislation will be introduced in 1989 to move the operative date.

The assignment of employees from faculty to administrative positions and administrative to faculty positions is also covered in AB 1725 (EC §§ 87454-87458). These provisions, however, do not become operative until $70 million in program improvement funds is provided. Notably, there are provisions for allowing an administrator not part of the classified service and not previously tenured to become a first-year probationary faculty member when the administrative assignment expires (EC § 87458). Again, a joint-governance role for the academic senate is provided in establishing procedures for administrators to move to faculty positions.

E. Evaluation of Employees (EC § 87663)

Commencing as early as July 1, 1989 - if at least $70 million in program improvement is provided - (Sec.70(e), AB 1725) - several new requirements regarding the evaluation of employees will become effective. Full-time probationary employees must, as under current law, be evaluated at least once each academic year; tenured employees must be evaluated at least once every three (instead of every two) academic years; and part-time faculty must be evaluated within their first year, and at least once every six semesters or nine quarters thereafter. Prior law did not require part-time faculty to be evaluated.

Further, the evaluation process must include peer review, to be done on a departmental or divisional basis. The Legislature has also expressed the intent that, "to the extent practicable," students should be involved in faculty evaluation, and that faculty should similarly be involved in the evaluation of administrators.

AB 1725 continues existing law by recognizing that evaluation procedures may be negotiated as part of the collective bargaining process. The bill, however, expands the role of academic senates by requiring the faculty's exclusive representative to consult with the academic senate prior to engaging in collective bargaining on evaluation procedures.

State-mandated costs arising from the new evaluation requirements are reimbursed through program improvement monies (EC § 84755).

Finally, technical legislation is necessary to make the effective date of these changes July 1, 1990, or upon receipt of $70 million in program improvement funds, *whichever is later.*

F. Tenure Reforms (EC §§ 87602-87615)

Commencing as early as July 1, 1990 - upon appropriation of at least $140 million in program improvement funds - Sec. 70(e), AB 1725 - the probationary period for gaining tenure will extend from two to four years. The new statutes provide for three contracts, with periods of one year, one year and two years, respectively. Earlier provisions of the bill had provided for a fifth and "terminal" year, but these provisions were removed. Notice of a decision to re-employ or not re-employ must be provided by March 15 of the academic year covered by the contract, and by March 15 of the second year of the two-year contract. Governing board decisions are subject to limited judicial review only after certain administrative remedies are exhausted.

Currently, it is not clear how these new provisions will apply to individuals *hired* before the operative date, *but not yet tenured* by the operative date. Additional legal interpretation and/or clarifying legislation will probably be required.

A detailed new provision regarding tenure evaluation and grievance procedures (EC § 87610.1) has been added. Basically, decisions to deny tenure are to be classified and procedurally addressed as grievances. If these procedures do not result in arbitration, the grievance proceeds to a hearing in accordance with existing law (EC § 87740).

The new tenure reforms also add a statute to require at least a bachelor's degree in order to obtain tenure (EC § 87615). For academic or nonvocational faculty, this degree requirement commences July 1, 1990 (if $140 million in program improvement funds have been provided); whereas for vocational faculty the requirement commences January 1, 1994. The bachelor's degree requirement can be waived if "rare and compelling" reasons exist; and, the academic senate is again provided with a joint-governance role in establishing procedures for such waivers.

G. Collective Bargaining Study (Sec. 58, AB 1725)

By no later than January 1, 1993, the Board of Governors is to review the collective bargaining law applicable to community colleges. This review is to focus on the delineation of roles and responsibilities of the academic senates and collective bargaining agents, particularly in light of changes made in AB 1725 regarding faculty roles. This review does not become a mandate to the Board unless the costs of

conducting the review are provided. No appropriation was made in AB 1725, but the 1989-90 Governor's Budget proposes $100,000 for this study. The final appropriation for this item won't be known until June, after legislative hearings.

H. Option-Rollover Contract Pilot Project (Sec. 65, AB 1725)

The Board of Governors is required to develop a three-district pilot program for employing of part-time temporary faculty through option-rollover contracts. The law does not specify a timeline under which the Board is to complete this pilot project. The two-year pilot program does not become a mandate to the Board unless the funds for conducting the program are provided. AB 1725 did not contain an appropriation for this purpose, and the 1989-90 Governor's Budget does not propose funding for the project.

I. Graduate Students Teaching in the Community Colleges (Sec. 66, AB 1725)

AB 1725 authorizes districts to determine whether it would be beneficial for various community college departments to enter into agreements with analogous graduate departments of nearby UC and CSU campuses to provide part-time teaching positions in the district for advanced graduate students. Ostensibly, these student teachers would not be required to meet the new minimum qualifications, and courses taught under their supervision would be eligible for state support (ADA). The language of the bill does not expressly resolve these matters, however.

J. Study of Student Aid Programs for Community College Teachers (Sec. 62, AB 1725)

By January 1, 1990, the Student Aid Commission is required to study financial aid programs that have as their purpose increasing the number of students entering the teaching profession at the community college level. The mandate does not become operative unless the Student Aid Commission and CPEC receive the necessary funds for conducting the study. Neither AB 1725 nor the 1989-90 Governor's Budget provides an appropriation for the study.

VII. Accountability

AB 1725 vests both the Board of Governors and district governing boards with significant authority to decide matters heretofore reserved to the Legislature. It should come as no surprise that the Legislature, in delegating away this broad authority, would want to develop a structure for ensuring that the Board and districts are accountable for their exercise of authority. Earlier during 1988, the Legislature took the approach of prescriptively mandating the elements of this

accountability structure - see AB 4131 of 1988, which did not pass. As AB 1725 was finalized, however, the determination was made to approach the new accountability system in a manner similar to the development of program-based funding. Under this approach, the Legislature expresses its intent as to the general issues and content to be addressed, and then turns the development of the actual system over to the Board of Governors and district governing boards. The Board's work is, of course, subject to legislative review and timelines; but, overall, the Legislature has refrained from prescribing the elements of the system.

A. Accountability System (EC § 71020.5)

By July 1, 1990, the Board of Governors is to develop and recommend implementation of a comprehensive community college educational and fiscal accountability system. This system is to be implemented over a three-year period, commencing no later than the 1991-92 academic year. The contents of the system are generally described, with a more specific instruction to:

Define and measure, quantitatively and qualitatively, accountability information, including:

a. Student access to community colleges.

b. The extent to which the community college student body as a whole proportionately reflects the adult population of the state.

c. Student transfer programs and rates.

d. Academic standards and student achievement.

e. Student goal satisfaction and success in courses and programs.

f. Completion rates of courses and programs.

g. Occupational preparation relative to state and local workforce needs and for entry-level employment, occupational advancement, and career changes of students.

h. Adequacy of courses in basic skills and English as a Second Language and instruction in preparing students to succeed in collegiate-level work.

i. Adequacy of and student satisfaction with student services.

j. The extent to which the community college workforce proportionately reflects the adult population of the state.

k. Fiscal conditions of community college districts.

Some of these elements may prove either too expensive to implement or not worth the expense of fully implementing. In this regard, the Board's report (to be submitted by July 1, 1990) can recommend the appropriate restructuring. In addition, the law specifically states that additional mandates will not be imposed on districts without additional reimbursement. Finally, the new law is clear that the implementation of this new accountability system is dependent, in part, upon the development of adequate data collection and reporting system. The community college Management Information System (MIS) will thus be a critical priority in this effort to improve accountability.

VIII. Conditions And Appropriations

Initial implementation of AB 1725 would have cost at least $105 million, according to estimates of the Board of Governors. The fiscal difficulties encountered by the State beginning in the spring of 1988 made it impossible to fully fund these initial costs in the bill itself. As an alternative, various provisions of reform were drafted so as not to become operative until certain major new levels of funding are provided through the annual budget process. This option was taken, in part, because the Governor committed to work for full funding of reform. The option avoided what would have been a certain veto of a fully funded bill. It also enabled initial reforms to commence with a small "down payment" of $7.25 million.

A. Conditions of Operability and Trigger Mechanisms (Sec. 70, AB 1725)

AB 1725 provides that reform is to consist of two phases. Phase I focuses on improving community college programs so as to prepare an appropriate environment for the subsequent professionalization of faculty. Phase II follows initial program improvement and faculty professionalization, and allows for implementation of the act on a wide scale.

The Legislature has directed that certain reforms will not become operative unless "adequate funding" has been provided for Phase I and Phase II, respectively. The Legislature has delegated authority to the Board of Governors to determine and certify in writing whether such funding has been provided. The Legislature, however, has declared its estimates that $70 million is adequate funding for Phase I, and that an additional $70 million (district base budgets increased by a total of $140 million statewide) is adequate funding for Phase II. Because of the negotiations surrounding AB 1725, it is anticipated that the Board's certifications regarding adequate funding will exactly (or almost exactly) reflect the declarations and estimates of the Legislature.

Phase I (Sec. 70(d), AB 1725):

The following reforms do not become operative until the Board of Governors certifies that adequate funding ($70 million for program improvement) has been provided for Phase I, or until the operative date for the specific reform, *whichever is later*:

- **Repeal of credentials;**
- **Establishment of minimum qualifications for faculty and administrators, to be operative after July 1, 1990 (EC § 87356);**
- **Establishment by the Board of Governors of a process for reviewing minimum qualifications and development of lists of disciplines (EC § 87357);**
- **Establishment by the board of Governors of review teams for minimum qualifications (EC § 87358);**
- **Establishment of procedures for waiving minimum qualifications (EC § 87359);**
- **Establishment of hiring criteria by districts, no later than July 1, 1990 (EC § 87360);**
- **Implementation of provisions for movement between faculty and administrative positions (EC §§ 87454-87458);**
- **Implementation of new requirements regarding evaluation of employees (EC § 87663);**
- **Implementation of new layoff provisions (EC § 87743); and**
- **Implementation of provisions for faculty service areas, no later than July 1, 1990 (EC § 87743.1-87743.5).**

Phase II (Sec. 70(e), AB 1725):

The following reforms do not become operative until the Board of Governors certifies that adequate funding ($140 million in program improvement funds) has been provided for Phase II, or until the operative date for the specific reform, *whichever is later*:

- **Implementation of program-based funding on July 1, 1991 (EC § 84750); and**
- **Implementation of provisions regarding tenure reforms (EC §§ 87602-87615), except degree requirement for vocational faculty not operative until January 1, 1994.**

It is important to note that even though the text of a given section of AB 1725 may specify a beginning date or deadline, that section will not become operative until the requisite amount of program improvement funds has been provided. For instance, program-based funding will not be implemented in Fiscal Year 1991-92 if $140 million in program-improvement funds has not been provided.

Several technical concerns have been raised about the trigger mechanism, particularly the Phase I reforms. Some of these concerns have been noted in the Employment Policies section of this analysis. Corrective legislation will probably be necessary, and will be considered through the consultation process.

B. Appropriations in AB 1725 (Sec. 72, AB 1725):

AB 1725 appropriates $7.25 million for expenditure in the 1988-89 fiscal year, as follows:

1. $5,000,000 for Staff Development (EC §§ 87150-87154). Allocations will be made on a per ADA basis (about $7 per ADA), with all districts receiving at least $5,000.

2. $1,000,000 for the Faculty and Staff Diversity Fund (EC § 87107). The method of allocation to districts will be on a per ADA basis.

3. $200,000 for the Community College Fund for Instructional Improvement (EC § 84381).

4. $1,050,000 million (the remainder of the money) will be used by the Board of Governors to develop the program-based funding formula, to provide the major service function for affirmative action recruitment, to develop the accountability system, and to conduct other activities required by AB 1725.

C. Funding of Reforms Through the Budget Process

Beginning with Fiscal Year 1989-90, implementation of AB 1725 will be funded through the annual budget process. The Board of Governors, working through consultation, will request appropriate resources for reform in the systemwide budget proposal. The following major budget proposals were submitted for 1989-90:

1.	Program Improvement (EC § 84755)	$80,000,000
2.	Staff Development (EC §§ 87150-87154)	10,000,000
3.	Fund for Instructional Improvement (EC § 84381)	6,750,000
4.	Faculty and Staff Diversity Fund (EC § 87107)	4,000,000

In addition, the Board has requested funds to conduct various mandated studies and activities, such as the study of collective bargaining, the interdisciplinary colleges pilot study, and the option-rollover contract pilot project.

The proposals for 1989-90 funding had to be submitted to the Department of Finance by the first week of October, allowing only minimal consultation with the field. Proposals for 1990-91 funding will be developed fully through consultation, with initial deliberations commencing in February or March of 1989.

The Governor's Budget for 1989-90 released January 10, 1989, indicates the following levels of support for the following reforms:

1.	Program Improvement (EC § 84755)	$0
2.	Staff Development (EC §§ 87150-87154)	$5,154,000
3.	Fund for Instructional Improvement (EC § 84381)	$920,000
4.	Faculty and Staff Diversity Fund (EC § 87107)	$1,445,000

Appropriations contained in the Governor's Budget are subject to review and revision by the Legislature. Consequently, actual appropriations won't be known until July of 1989.

APPENDIX

AB 1725 Implementation Chart

Explanatory Notes

The following pages provide summary information concerning the implementation of AB 1725. The first column in the five-column chart provides a summary of the components of reform in the same order that they appear in the comprehensive analysis. The second column indicates additional legislative actions necessary to achieve or clarify the reforms. The third column indicates actions to be undertaken by the Board of Governors, including initial timelines for these actions. Necessary and desirable district actions to implement reform are summarized in the forth column.

The fifth column "Consultation/Coordination" elaborates on use of the new consultation process to implement reform, and, in addition, identifies the divisions within the Chancellor's Office which will have responsibilities for the particular reforms. While the chart identities "Council(s) of origin" for most of the reforms, it is intended that all standing councils will have the opportunity to review, at their discretion, any of the reform components being developed elsewhere in the consultation process. The designation of a council as a "Council of origin" indicates that this council will work with staff in developing the *initial draft* of a policy; that is, the draft of a policy which will be released to other councils and the field generally for review and comment. The Council of origin will also have a role in evaluating changes to the policy as it is considered in the other standing councils and the field.

In the final analysis, of course, all consultation is *advisory* to the Chancellor; and all councils, groups and individuals, once having participated in consultation, are free to present their positions and concerns to the Board of Governors.

Finally, because of the impending reorganization of the Chancellor's Office, only the broad divisions within the Office are identified with respect to the particular reforms. For more complete information on the individual reforms or responsibilities within the Chancellor's Office, please call either (916) 445-8752 or 445-4826.

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
I. MISSION				
A. Mission Statement (EC 66701) -- Validates comprehensive mission while establishing priorities for the various functions as "primary" "important and essential" or "authorized."	None necessary.	Assist and support districts in implementing priorities within mission statement - no specific timeline.	Implement priorities within mission statement - no specific timeline.	Council(s) of origin: Executive Council (CEO) - no specific timeline. Chancellor's Office (C.O.) Responsibility: Educational Policy Division
B. Transfer Core Curriculum (EC 66720-66721) -- Requires UC Regents, CSU Trustees and Board of Governors to develop, maintain and disseminate a common core curriculum in general education courses for purposes of transfer.	None necessary.	Develop transfer core curriculum with UC Regents and CSU Trustees, relying on initial work of intersegmental senates. No specific timeline, but plan to implement for academic year 1990-91. Publish and distribute core curriculum as required in EC 66721.	Voluntary participation in consultation regarding development of the transfer core curriculum during late 1989 and early 1990. Otherwise, no action necessary until transfer core curriculum adopted by Board of Governors in 1990.	Council(s) of origin: Academic Senate, Council of Chief Instructional Officers. Initial draft expected by fall 1989. C.O. Responsibility: Educational Policy Division
C. Remedial Limit (Sec. 68, AB 1725) -- Requires the Board of Governors to adopt regulations limiting the amount of remediation a community college student may take.	None necessary - at least until December 1991 report by Board of Governors.	Adopt regulations specified in Sec. 68 of AB 1725 by January 1, 1990. Report to Legislature by December 31, 1991.	Voluntary participation in consultation regarding adoption of initial regulations. Otherwise, commence implementation after Board of Governors adopts regulations (probably December 1989).	Council(s) of origin: Academic Senate, Council of Chief Instructional Officers. Initial draft expected by September 1989. C.O. Responsibility: Educational Policy Division
D. Articulation Regarding Vocational Programs - 2+2 and 2+2+2 (Sec. 69, AB 1725) -- Requires Board of Governors to work with the State Board of Education and the CSU Trustees to develop these programs. Plans for implementation due by July 1991.	Fund budget proposals (BCPs) to extend and expand existing funding for 2+2 and 2+2+2 projects.	Develop plans for implementation of 2+2 and 2+2+2 programs by July 1, 1991.	Consider seeking state funding (respond to RFPs) for 2+2 and 2+2+2 projects.	Council(s) of origin: no additional consultation planned during 1989. C.O. Responsibility: Educational Policy Division
E. English as a Second Language Study (Sec. 89, AB 1725) -- Department of Education and CPEC to conduct a joint study of ESL by January 1, 1990. The study isn't required unless funded.	Determine whether to provide funding for study and extend deadline to January 1991.	Participate with CPEC in conducting study when (and if) it is funded.	None necessary pending results of study. Instead, work with Board of Governors on current activities regarding ESL.	Council(s) of origin: no consultation planned until study is funded. C.O. Responsibility: Educational Policy Division

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
E. English as a Second Language Study (Sec. 59, AB 1725) -- Department of Education and CPEC to conduct a joint study of ESL by January 1, 1990. The study isn't required unless funded.	Determine whether to provide funding for study and extend deadline to January 1991.	Participate with CPEC in conducting study when (and if) it is funded.	None necessary pending results of study. Instead, work with Board of Governors on current activities regarding ESL.	Council(s) of origin: no consultation planned until study is funded. C.O. Responsibility: Educational Policy Division
F. Interdisciplinary Colleges Pilot Study (Sec. 60, AB 1725) -- Requires Chancellor to determine feasibility of establishing interdisciplinary colleges on a pilot basis. Study due by January 1990, but isn't required unless funded.	Fund budget proposal for interdisciplinary colleges and adjust July 1, 1990 deadline in Section 60.	Commence pilot study in fiscal year 1989-90 if funding is provided in 1989-90 budget.	Consider applying as one of pilot districts if funding is provided.	Council(s) of origin: no consultation planned until study is funded. C.O. Responsibility: Educational Policy Division
II. GOVERNANCE				
A. Delineation of Governance Functions (EC 70900-70902) -- Creates the California Community Colleges as a system and specifies the major roles of the Board of Governors and local governing boards.	Respect governance delineation in considering and enacting legislation.	Respect governance delineation in conducting activities and adopting policies. Further develop consultation process (by late 1989). Further develop Standing Orders and other delegations of authority by fall of 1989. Develop Budget change proposal for 1990-91 that provides resources to perform governance functions.	Respect governance delineation in conducting activities and adopting policies.	Council(s) of origin: Executive Council (CEO). Initial draft of standing orders and delegations of authority expected by late spring of 1989. Initial draft of revisions to consultation process expected by summer 1989. Budget Proposals for performing governance functions will be developed as part of 1990-91 budget (March-Sept of 1989). C.O. Responsibility: Office of Legal Affairs and Policy Analysis Division
B. Education Code Review (Sec. 57, AB 1725) -- Requires the Board of Governors to propose legislation to make entire Education Code consistent with delineation of functions and AB 1725. Deadline: January 31, 1989.	Enact Education Code Review legislation during 1989 and 1990.	Update earlier (1987) recommendations regarding Education Code Review, complete consultation, and sponsor legislation for 1989.	Consider additional participation in Education Code Review project.	Council(s) of origin: Executive Council (CEO) and Council of Organizations. Updated recommendations to be reviewed January-October 1989. The legislation will be amended to reflect the results of consultation. C.O. Responsibility: Office of Legal Affairs

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
C. Regulations of the Board of Governors (EC 70901.5) -- Requires Board of Governors to develop procedures for adoption of regulations -- to be used in lieu of procedures currently applied by the office of Administrative Law.	None necessary.	Adopt procedures for adoption of regulations during 1989. Have processes and methods in place to print and distribute regulations by January 1, 1990.	Voluntary participation in consultation to develop Board procedures for the adoption of regulations.	Council(s) of origin: Executive Council (CEO). Initial draft expected by fall 1989. C.O. Responsibility: Office of Legal Affairs
D. Exempt Positions (EC 71090.5) -- Authorizes Board of Governors to create and fill up to six positions exempt from civil service.	None necessary.	Appoint exempt positions after January 1, 1989.	None.	Council(s) of origin: no consultation planned. C.O. Responsibility: Chancellor
E. Composition of the Board of Governors (EC 71000) -- Changes terms to six years and provides for appointment of two local trustees and an additional faculty member.	Enact technical modifications to convert from a structure of four-year staggered terms to a structure of six-year staggered terms; also provide for first appointment date of second faculty member.	By late January 1989, draft and review language making technical modifications.	None.	Council(s) of origin: None. Initial draft of technical modifications expected by mid-January 1989, and will be made available to all councils. C.O. Responsibility: Office of Legal Affairs
F. Academic Senate and Student Roles (Sec. 61, AB 1725) -- Requires the Board of Governors to develop policies for strengthening the academic senate, and a plan for encouraging greater student participation in local governance.	None necessary.	By January 1, 1990: (1) develop policies and guidelines for strengthening the role of the academic senate; and (2) develop a plan for encouraging greater student participation in campus, district and systemwide governance.	Voluntary participation in consultation to develop policies and plans; otherwise no action necessary until after January 1, 1990.	Council(s) of origin: Executive Council (CEO) and Academic Senate regarding policies and guidelines for strengthening the academic senate; Executive Council (CEO), Council of Student Body Governments, and Council of Chief Student Services Officers regarding plan for student participation. Initial drafts expected by Fall 1989. C.O. Responsibility: Educational Policy Division

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
III. FINANCE				
A. Extension of SB 851 (EC 84713) -- Extends current statutory community college finance mechanism through 1990-91, so that program-based funding formulas can be developed by the Board of Governors.	Enact technical legislation to clarify that SB 851 will not sunset until July 1, 1991 or until $140 million of program improvement money has been provided, whichever is later. Otherwise, the SB 851 mechanism shouldn't be changed unless recommended by the Board of Governors.	Consider technical changes to SB 851 formula through consultation, and decide on recommended changes by spring of 1989.	Voluntary participation in consultation regarding changes in finance formula.	Council(s) of origin: Chief Business Officials C.O. Responsibility: Administrative Services Division
B. Program-Based Funding (EC 84750) -- Establishes broad elements of new community college finance mechanism, with "criteria and standards" to be developed by the Board of Governors.	Enact technical legislation during 1989 to clarify first year of hold harmless, and other changes. Review the Board's criteria and standards after March 1, 1990.	Develop and report "criteria and standards" for initial mechanism by March 1, 1990. Funding under program-based funding mechanism won't occur until at least FY 1991-92.	Voluntary participation in consultation regarding development of criteria and standards.	Council(s) of origin: Executive Council (CEO), Council of Organizations, Council of Chief Business Officials. Initial drafts expected by July 1989. C.O. Responsibility: Administrative Services Division
C. Transitional Funding Mechanism for Program Improvement (EC 84755) -- Provides revenue infusions (by an equalized per ADA amount) to districts. Revenues are to be used for one or more of 19 required or authorized improvements.	Fund program improvement requests in 1988-90 and 1990-91 Budgets. During 1989, enact technical revisions to bill language (reference to "1987-88" in subsection (b) and reference to "Section 70" in subsection (b)(1)). Enact changes regarding applicability of the "50% Law" (EC 84362) if recommended by the Board of Governors.	Determine equalization mechanism for program improvement by spring of 1989. Develop guidelines for district plans by spring of 1989. Review and approve district plans for use of program improvement money by late summer of 1989. By February 1989, consider changes to provide relief from application of the 50% Law to program improvement.	Develop initial plan for use of program improvement money by June 1989. Update district affirmative action plan in conjunction (see EC 87102).	Council(s) of origin: Council of Chief Business Officials and Executive Council (CEO) regarding the equalization mechanism; Executive Council (CEO) regarding guidelines for district plans; Council of Organizations regarding changes to provide relief from the 50% Law. Initial draft of equalization mechanism expected by January 31, 1989. Initial draft of guidelines for district plans expected by March 1, 1989. C.O. Responsibility: Administrative Services Division regarding equalization component and 50% Law analysis; Planning and Research Division regarding guidelines for district plans

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
D. Part-Time/Full-time Ratios (EC 87482.6) -- Specifies that districts must use up to 33% or 40% of their program improvement money as necessary to provide that 75% of the hours of credit instruction are taught by full-time instructors.	None necessary	Before March 15, 1989, inform districts of estimated number of full-time faculty (FTF) to be secured with program improvement money. Adopt initial regulations for administering the function by spring of 1989. Consider relief from 75% standard for rural districts, vocational programs, etc. by spring of 1989.	Update affirmative action plan (EC 87102). Recruit and hire, particularly during spring 1989, 1990, and 1991.	Council(s) of origin: Executive Council (CEO), Council of Organizations regarding regulations for administering the FT/PT Ratio provision. Initial draft of regulations expected by March 15, 1989. C.O. Responsibility: Office of Legal Affairs regarding regulations; Planning and Research Division regarding notification to districts.
IV. NEW PROGRAMS AND SERVICES A. Staff Development (EC 87150-54) -- Creates a formula-funded program to support locally developed and implemented staff development programs.	Fund Budget proposals for staff development.	Provide model affidavit form for districts by December 15, 1988. Develop form for reporting expenditures and accountability by summer of 1989. Adopt necessary regulations (including criteria establishing other activities related to educational and professional development) for Fund by summer of 1989.	Create advisory committees (as required by EC 87151) no later than January of 1989. Develop a human resources plan for each campus no later than January of 1989. The initial plan should indicate planned expenditures for 1988-89 and 1989-90. Report on expenditures for 1988-89 in the fall of 1989, as required by the Chancellor.	Council(s) of origin: Executive Council (CEO), and Academic Senate regarding regulations (including criteria establishing other activities related to educational and professional development). Executive Council (CEO) regarding accountability and reporting forms. Initial drafts of regulations and accountability forms expected by May 1989. C.O. Responsibility: Human Resources Division, Office of Legal Affairs, and Policy Analysis Division
B. Expanded Fund for Instructional Improvement (EC 84381) -- Adds new purposes for use of funds granted or loaned, and increases the State's appropriation to the Fund.	Fund Budget proposals to expand the Fund for Instructional Improvement.	By early 1989, award an additional $200,000 in grants for FY 1988-89. Distribute RFP for FY 1989-90 grants and loans by February 1, 1989. Award grants and loans for 1989-90 by July 1989. During 1989, consider necessary revisions to Board regulations on the Fund.	Submit proposals for 1989-90 grants or loans by spring of 1989.	Council(s) of origin: Council of Chief Instructional Officers, Academic Senate regarding necessary revisions to current Board regulations governing the Fund. Initial draft of regulations expected by late 1989. C.O. Responsibility: Educational Policy Division

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
C. Career Resource and Placement Centers (EC 78212.5) -- Authorizes districts to establish career resource and placement centers, provide orientation and inservice training regarding matriculation, and establish publicity programs. Also authorizes program improvement money to be used for such purposes.	None necessary.	Determine extent to which purposes of this section are being met through implementation of other reforms, such as matriculation	Consider using program improvement money (EC 84755) for career resource and placement centers - include in plan for using program improvement money, due June 1989.	Council(s) of origin: Council of Chief Student Services Officers. C.O. Responsibility: Educational Policy Division
D. Vocational Education Information to Districts (Sec. 63, AB 1725) -- Requires the Board to provide ongoing economic trend and employment projection information to districts. Mandate not operative unless Board costs are funded.	Fund Budget proposals to strengthen this function.	If funded, establish the new function in the Chancellor's Office by January 1, 1990.	Receive and use information after January 1, 1990.	Council(s) of origin: Council of Chief Instruction Officers. Timetable for consultation to be arranged. C.O. Responsibility: Education Policy Division
V. AFFIRMATIVE ACTION				
A. Compliance and Accountability (EC 87102) -- Requires local boards to submit affirmations of compliance, report success rates, and prepare affirmative action plans with goals and timetables.	None necessary.	By early 1989, request districts to update their affirmative action plans by June of 1989. By mid-summer of 1989, specify data and information which districts are to report in measuring their "success rates" regarding goals and timetables in their affirmative action plans.	Update district affirmative action plan (particularly with respect to meeting goals and timetables for hiring additional full-time faculty) by June 1989. Publish and distribute report on affirmative action success rate when required by the Board of Governors (projected for late 1989).	Council(s) of origin: Executive Council (CEO). C.O. Responsibility: Human Resources Division
B. Assistance to Districts (EC 87104) -- Requires the Board of Governors to provide leadership and assistance by helping colleges to adopt and maintain plans, by reporting to the Legislature, by developing guidelines, and by providing "technical assistance" to districts which fail to make measurable progress.	Fund Budget proposals to provide resources for assistance functions.	Create technical assistance team by early 1989. Identify districts which fail to make measurable progress in meeting the goals and timetables in their plans. Provide regular technical assistance reviews commencing in 1990. See also, Toward a New Diversity, the systemwide plan for strengthening affirmative action (to be adopted March 1989).	Request and/or accept assistance from the Board of Governors as necessary.	Council(s) of origin: Executive Council (CEO). C.O. Responsibility: Human Resources Division

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
C. Major Service Function to Assist Districts in Recruiting (EC 87104(b)) -- Requires the Board of Governors to establish (by July 1, 1989) a major service function to assist districts in recruiting qualified members of underrepresented groups.	Fund Budget proposal to implement a computerized affirmative action registry. Implementation of registry is contingent upon outcome of feasibility study.	Use $300,000 appropriation in AB 1725 to establish major service function by July 1, 1989.	Voluntary participation in feasibility study for a computerized registry. Otherwise, use Board service function as services become available..	Council(s) of origin: Executive Council (CEO). C.O. Responsibility: Human Resources Division
D. Systemwide Plan for Strengthening Affirmative Action (EC 87104 (c)) -- Requires the Board of Governors to adopt (by March 15, 1989) a system-wide plan for strengthening faculty and staff affirmative action.	None. necessary.	Adopt Plan by March 15, 1989. NOTE: A draft of this plan (entitled, Toward a New Diversity) has been in consultation since October of 1988. The draft plan elaborates on the requirements of AB 1725 and provides detailed implementation information.	Voluntary participation in consultation to develop final draft of plan by March of 1989.	Council(s) of origin: Executive Council (CEO). C.O. Responsibility: Human Resources Division
E. Faculty and Staff Diversity Fund (EC 87107) -- Establishes a fund with two specific goals for the system as a whole. The Board of Governors is to administer the fund, with most of the resources going to districts for the purposes of extended outreach and recruitment, hiring incentives, and in-service training.	Fund request in 1989-90 Budget to increase the Diversity fund.	By early 1989, allocate to districts the $1 million provided for FY 1988-89. This allocation will be made on a per ADA basis. By July of 1989, develop regulations for distributing allocations from the Faculty and Staff Diversity Fund, and for generally administering the Fund. By mid-summer of 1989, develop and apply availability data for purposes of measuring district progress on affirmative action goals.	Voluntary participation in consultation to develop regulations for allocation of Faculty and Staff Diversity Funds, and for general administration of the Fund.	Council(s) of origin: Executive Council (CEO). C.O. Responsibility: Human Resources Division
F. Other Affirmative Action Provisions • Requires the Board to adopt an affirmative action paper on its own composition (EC 71020) • Requires the Board of Governors and the State Board of Education to undertake a study on the underrepresentation of students in vocational education programs (Sec. 64, AB 1725)	None necessary. Fund Budget proposal to determine extent of under-representation, in cooperation with the State Board of Education.	By July 1, 1989 prepare initial paper. If budget proposal funded, study and report extent of underrepresentation by July 1, 1990.	None necessary. None necessary, except to participate in study.	Council(s) of origin: Requiring Board affirmative action paper, no consultation required or planned. Regarding study of underrepresentation, no consultation planned until at least September 1989. C.O. Responsibility: Human Resources Division (paper on Board Composition); Educational Policy Division (underrepresentation of students in vocational education programs).

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
VI. EMPLOYMENT POLICIES				
A. Repeal of Credentials (Sec. 27, AB 1725) -- Provides for the elimination of statutory requirements for community college credentials. Instead of the Legislature fixing credential requirements which are administered by the Board of Governors, the Board of Governors will adopt minimum qualifications which are administered and applied by districts.	Enact clean-up legislation (during 1989) that clarifies that credentials are repealed July 1, 1990 or when $70 million of program improvement money is provided, whichever is later. Also enact legislation clarifying application of grandfather provisions to part-time instructors. Also enact legislation to extend the authorization to charge the $40 fee.	Prepare bill language by January 1989.	Prepare to implement and apply minimum qualifications (see below).	Council(s) of origin: None - draft language will be made available to all councils. Draft bill language for AB 1725 revisions expected by late January 1989; while more comprehensive Education Code revisions expected by late fall of 1989.
	Enact clean-up legislation (during 1990) to revise or repeal all community college Education Code provisions which address credentialing or certification.	Develop technical clean-up legislation during 1989.	During fall of 1989, voluntary participation in consultation regarding 1990 legislation.	C.O. Responsibility: Office of Legal Affairs

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
B. Minimum Qualifications Established by the Board of Governors (EC 87001, 87356-87359, 87743-87743.5) -- Provides definitions, minimum qualifications, and waiver procedures which the Board of Governors is to adopt as its initial regulations on these matters. The Board can change these initial policies through consultation. Also requires related work to establish disciplines for teaching, which will be used in lieu of subject matter areas for instructor credentials.	Fund Budget proposals to enable Board of Governors to perform new roles.	By July 1989, adopt minimum qualifications and definitions initially specified in AB 1725. By spring of 1990, develop minimum qualifications for teaching noncredit classes. By July 1, 1989, prepare a list of disciplines "reasonably related" to one another and prepare a list of disciplines in which the Master's degree is not generally expected or available. Offer implementation assistance to districts as needed. Initiate study of health requirements required by EC 87359.5 by May 1989. Establish review teams for minimum qualifications by 1990.	Develop faculty service areas by July 1, 1990 (EC 87743.1). Establish processes for waiving minimum qualifications (EC 87359). After July 1, 1990, screen new employees (and candidates) for minimum qualifications.	Council(s) of origin: Academic Senate and Council of Chief Instructional Officers regarding minimum qualifications, definitions, and waiver processes initially transferred from statute to Board regulations. Initial draft expected by May 1989. Academic Senate, regarding lists of disciplines. Initial lists expected for consultation by spring 1989. Academic Senate and Council of Chief Instructional Officers regarding minimum qualifications for teaching noncredit classes. Initial draft expected by fall 1989. C.O. Responsibility: Office of Legal Affairs regarding initial transfer of statutory provisions to regulations and study of health requirements. Educational Policy Division regarding disciplines and minimum qualifications for teaching noncredit classes. Human Resources Division regarding general implementation assistance to districts.
C. Local Hiring Criteria (EC 87360)	None necessary.	Offer implementation assistance to districts as needed.	By July 1, 1990, adopt hiring criteria as required by EC 87360.	Council(s) of origin: no consultation required or planned during 1989. Responsibility: Human Resources Division regarding implementation assistance to districts.
D. Employment of Administrators (EC 72411.5, 87454-87458) -- Requires all instructional and student service administrators to be employed by a contract of not more than four years. Also addresses the "retreat rights" of administrators.	Consider additional technical changes to these new laws, if recommended by the Board of Governors and Californians for Community Colleges.	During 1989, conduct consultation regarding changes to these laws.	Employ instructional and student services administrators by contract after January 1, 1989.	Council(s) of origin: Council of Organizations, Executive Council (CEO). C.O. Responsibility: Office of Legal Affairs regarding technical changes; Human Resources Division regarding general implementation assistance.

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
E. Evaluation of Employees (EC 87663) -- Requires part-time instructors to be evaluated, and requires peer review to be established.	Enact technical legislation to make AB 1725's changes regarding evaluation operative on July 1, 1990 or upon $70 million in program improvement, whichever comes later.	Provide general implementation assistance to districts as necessary.	By July 1, 1990, establish procedures for evaluating part-time instructors. By July 1, 1990, establish peer review procedures.	Council(s) of origin: Council of Organizations, Executive Council (CEO). C.O. Responsibility: Office of Legal Affairs regarding technical changes; Human Resources Division regarding general implementation assistance.
F. Tenure Reforms (EC 87602-87615) -- Extends probationary for tenure from two to four years; also requires (with certain exceptions) a bachelor's degree in order to obtain tenure.	Consider additional technical changes to these new laws, if recommended by the Board of Governors and Californians for Community Colleges.	During 1989, conduct consultation regarding technical changes to these laws.	Apply new tenure provisions beginning as early as July 1, 1990, if $140 million in program improvement money has been provided. Establish procedures for waiver of bachelor's degree requirement by July 1991.	Council(s) of origin: Council of Organizations, Executive Council (CEO). C.O. Responsibility: Office of Legal Affairs regarding technical revisions; Human Resources Division regarding general implementation assistance
G. Collective Bargaining Study (Sec. 58, AB 1725) -- Requires the Board of Governors to review and study the current collective bargaining law applicable to the community colleges. The requirement is conditional on the receipt of funding to conduct the study.	Fund Budget request, for resources to do study; otherwise no legislative action necessary pending study.	If funded, conduct study during 1989-90 and 1990-91, with recommendations made by January 1992.	Voluntary participation in consultation regarding study.	Council(s) of origin: Executive Council (CEO), Academic Senate, Council of Organizations. Timetable for the study and consultation to be arranged. C.O. Responsibility: Office of Legal Affairs
H. Option Rollover Contract Pilot Project (Sec. 65, AB 1725) -- requires the Board, subject to funding, to conduct a pilot study regarding the employment of part-time faculty by option rollover contracts.	Fund Budget request, for Board to conduct pilot.	If funded, conduct pilot study during 1989-90 and 1990-91.	If project funded, consider applying as one of three pilot districts during 1989-90.	Council(s) of origin: No consultation planned until study is funded. C.O. Responsibility: Human Resources Division
I. Graduate Students Teaching in Community Colleges (Sec. 66, AB 1725) -- Authorizes community colleges to provide part-time teaching positions for advanced graduate students.	No action necessary.	Resolve ambiguities regarding minimum qualifications and ADA eligibility by early in 1989.	Consider entering into agreements as authorized by Section 66.	Council(s) of origin: Council of Chief Instructional Officers, Academic Senate. C.O. Responsibility: Educational Policy Division

Reform Component	Legislative Action	Board of Governors Action	District Action	Consultation/Coordination
J. Study of Student Aid Programs for Community College Teachers (Sec. 62, AB 1725) -- Requires the Student Aid Commission to conduct a study regarding aid programs for community college teachers.	Fund costs of study by the Student Aid Commission.	None necessary, except follow study.	None necessary.	Council(s) of origin: No consultation planned until study is funded. C.O. Responsibility: Educational Policy Division
VII. ACCOUNTABILITY				
A. Accountability System (EC 71020.5) -- Requires the Board of Governors to develop and recommend (by July 1, 1990) implementation of a comprehensive community college educational and fiscal accountability system.	Fund costs of developing system, including 1989-90 BCPs for Accountability and for Management Information System implementation. Otherwise, no legislative action necessary until at least FY 1990-91.	Use initial appropriation of $150,000 for activities during 1988-89. By July 1, 1990, develop accountability system and report to Legislature as required by EC 71020.5.	Voluntary participation in consultation during 1989 and 1990 to develop system; commence implementation by FY 1991-92.	Council(s) of origin: Executive Council (CEO). Timetable for consultation to be arranged. C.O. Responsibility: Planning and Research Division; and Policy Analysis Division
VIII. CONDITIONS AND APPROPRIATIONS				
A. Conditions of Operability and Trigger Mechanisms (Sec. 70, AB 1725) -- Specifies that certain reforms don't become operative until specified levels of funding have been provided.	None necessary.	Certify when "adequate funding" has been provided for Phase I and Phase II.	None necessary.	Council(s) of origin: no consultation planned. C.O. Responsibility: Administrative Services Division
B. Funding of Reforms Through the Budget Process -- The ongoing cost of community college reform will be funded through the annual budget process.	Fund annual Budget proposals made by Board of Governors to fund reform.	Develop systemwide budget request annually (March-September of the year prior to each fiscal year).	Voluntary participation in consultation to develop the annual systemwide budget request.	Council(s) of origin: Executive Council (CEO), Council of Organizations. C.O. Responsibility: Administrative Services Division

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